HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 4400 OF 2006

DATED: 7.3.2006

Between:

Choppara Ananda Rao

… Petitioner

and

The State Representing by State

House Officer, Singarayakonda,

P.S. Singaraya Konda, Prakasam District

And another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.4400 OF 2006

ORAL ORDER:

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The writ petitioner seeks quashing of Cr.No.24 of 2006 registered against the petitioner-sole accused on 4.2.2006 by the P.S. Singarayakonda.

The 2nd respondent preferred a complaint *inter alia* that the petitioner is a friend of her husband who came forward with a proposal that he would give 10% share in his Real Estate business by name 'Gayathri Real Estates'; that she paid Rs.4,00,000/- in cash on 13.10.2003 at Singarayakonda; that despite repeated attempts by the complainant to furnish monthly financial statements, the petitioner did not come forward; and suspecting the *bona fides* of the petitioner, in April 2004 she went to Singarayakonda and did not find the office of Gayathri Real Estates there, but on enquiry was told that the petitioner took away the furniture to his house at Kanumalla village and when they went there, the house was found locked. It is also complained that for the past 1½ years the petitioner could not be traced. The complaint was taken up as a private complaint, under Sections 190 and 200 of the Cr.P.C., and directed by the court of the Additional Munsif Magistrate, Kandukuru, to be registered and consequently Cr.No.24/2006 was registered on 4.2.2006.

The petitioner states that there is no material to substantiate the allegations and alternatively that the allegations in the complaint of the 2nd respondent, even taken on the face value, do not constitute an offence under Section 420 of I.P.C.

In the considered view of this court, potentially the complaint of the 2nd respondent if taken on its face value and to be true, do fall within Section 420 of the IPC. No case is made out for interdicting the investigatorial process by the police. The registering of the complaint of the 2nd respondent suffers from no error of law or exercise of discretion, warranting interference. The case on hand does not fall within the principles enunciated in STATE OF HARYANA V. BHAJAN LAL (1.), warranting

quashing of the FIR.

The writ petition is dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 7.3.2006

cvm